

**ENTERED**

September 13, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

COMMUNITY LOAN SERVICING, LLC, §  
§  
Counter-Plaintiff, §  
§  
VS. § CIVIL ACTION NO. 7:21-cv-00132  
§  
MIGUEL ANGEL HERRERA §  
GONZALEZ, §  
§  
Counter-Defendant. §

**ORDER**

The Court now considers “Counter-Plaintiff Community Loan Servicing, LLC’s Notice of Voluntary Dismissal Without Prejudice.”<sup>1</sup> Community voluntarily dismisses its claims without prejudice.<sup>2</sup> Under Federal Rule of Civil Procedure 41(c), Community may dismiss its counterclaim before a responsive pleading is served, or, “if there is no responsive pleading, before evidence is introduced at a hearing or trial.” To date, Counter-Defendant has not filed an answer to Counter-Plaintiff’s counterclaim and no evidence has been adduced at a hearing or trial in support of Counter-Plaintiff’s counterclaims. Accordingly, Counter-Plaintiff has effectively dismissed this case. No further action by this Court is necessary.<sup>3</sup>

All of Counter-Plaintiff’s claims are **DISMISSED**. All deadlines and conferences in this case are **CANCELLED** and any pending motion, request, or other matter is **DENIED AS MOOT**. Each party is to bear its own costs. The Clerk of the Court is instructed to close this case.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 13th day of September 2021.

  
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Micaela Alvarez  
United States District Judge

<sup>1</sup> Dkt. No. 34.

<sup>2</sup> *Id.* at 1.

<sup>3</sup> *Cf. Bechuck v. Home Depot U.S.A., Inc.*, 814 F.3d 287, 291 (5th Cir. 2016) (quoting *In re Amerijet Int'l, Inc.*, 785 F.3d 967, 973 (5th Cir. 2015) (per curiam)).